

REMARKS

Claims 1-24 are pending in the present application.

In the Office Action, claims 1 and 15 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Chuah (U.S. Patent Publication No. 2004/0184471). Claims 2-4, 6, 14-24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chuah in view of Koulakiotis (U.S. Patent Publication No. 2003/0104801). The Examiner's rejections are respectfully traversed.

Chuah describes techniques for transmitting multicast messages and for receiving signaling message responses thereto. However, Chuah is completely silent with regard to providing multicast messages using one of a plurality of service types. Accordingly, Chuah fails to teach or suggest assigning at least one service rate to at least one of a plurality of subscription-based service types, as set forth in independent claims 1 and 15.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Chuah and request that the Examiner's rejections of claims 1 and 15 under 35 U.S.C. 102(e) be withdrawn.

Moreover, Applicants respectfully submit that Chuah is not available as prior art under 35 U.S.C. 103(a). According to MPEP §706.02(l)(1), "effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' " The present application was filed on or after November 29, 1999. Furthermore, the present application and Chuah were, at the time the present invention was made, owned by the same entity or subject to an obligation of assignment to the same entity.


Thus, Applicants respectfully submit that Chuah is not available as prior art in any obviousness determination. Applicants respectfully request that the Examiner's rejections of claims 2-4, 6, and 14-24 under 35 U.S.C. 103(a) be withdrawn.

In the Office Action, the Examiner indicated that claims 5 and 7-13 include allowable subject matter. For at least the reasons discussed above, Applicants respectfully submit that claims 5 and 7-13 are in condition for allowance.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: 10/28/05


Mark W. Sincell, Ph.D.
Reg. No. 52,226
Williams Morgan & Amerson, P.C.
10333 Richmond Avenue, Suite 1100
Houston, TX 77042
(713) 934-7000
(713) 934-7011 (Fax)

AGENT FOR APPLICANTS